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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,008	11/09/2001	Aaron Greene	020691-000500US	5022

7590 11/26/2003

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8th Floor  
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San Francisco, CA 94111

EXAMINER
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LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/010,008

Applicant(s)

GREENE, AARON

Examiner

Avraham Lerner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election without traverse of Group I (claims 1-12), and species I (Figs. 2-5) in Paper No. 4 is acknowledged. However, it is noted that claims 8, 9, and 12 are drawn specifically to the non-elected embodiment, and therefore are withdrawn from consideration. Claims 1-7, 10, and 11 will be treated on the merits in this Office action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. (U.S. Patent No. 4,768,798).

Reed et al. discloses an apparatus comprising all elements as claimed, including a line (e.g. 87) having two end portions each configured to protrude from a side opening through a wall of a vehicle, each end portion of the line having at an end a flared fitting (for example, see Fig. 13) for coupling with an external line; and a pair of tube extensions each configured to be attached to the wall of the vehicle frame tube around one of the side openings and to surround the end portion of the line, the tube extension being coupled, or "affixed" as in claim 7, with the fitting at the end of the line.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isaac (U.S. Patent No. 4,565,383).

Isaac discloses an apparatus comprising all elements as claimed, including a line (48) having two end portions each configured to protrude from a side opening through a wall of a vehicle, each end portion of the line having at an end a fitting (371) for coupling with an external line; and a pair of tube extensions each configured to be attached to the wall of the vehicle frame tube around one of the side openings and to surround the end portion of the line, the tube extension being coupled, or "affixed" as in claim 7, with the fitting at the end of the line. Isaac, however, does not specify whether the fitting is attached by a male or female thread, or by a compression fitting. It would have been obvious to one of ordinary skill in the art to utilize any of these interchangeable and known couplings to secure the fitting, since applicant has not disclosed that any of the three solves any specific stated problem or is for any particular purpose and it appears that the invention would perform equally well with any conventional connecting means. Such a modification would have permitted a user to mate the fitting with various attachments, and therefore this ability to customize the fitting would have been obvious to one of ordinary skill.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muller et al. (U.S. Design Patent No. 331,378), Chonan (U.S. Patent No. 4,917,397), Shimano (U.S. Patent No. 4,462,267), Horii et al. (U.S. Patent No. 6,186,550 B1), Takasaka (U.S. Patent No. 5,054,571), Diekman et al. (U.S. Patent No. 4,585,246), Klein (U.S. Patent No. 5,433,465), and JP Patent No. 3—82687 disclose mounting means for routing cables through vehicle frames.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423. The examiner can normally be reached on M-F (8:15-5:45) first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

**AVRAHAM LERNER**  
**PRIMARY EXAMINER**

*Av Lerner 11/17/03*

November 17, 2003